

§ 1022.4 Exchange of information.

Information acquired by a State agent, in his official duties, regarding violation of the economic laws of the United States concerning highway transportation or of the Commission's regulations, shall be communicated to the Regional Director of the Commission's Office of Compliance and Consumer Assistance.

§ 1022.5 Requests for assistance.

Either party to a cooperative agreement may request, in writing, the other's assistance in obtaining evidence to enforce the economic laws and regulations governing highway transportation. Such evidence, obtained as time, personnel, and funds permit, shall be transmitted to the State authority or Regional Director, as the case may be, together with the name and address of any agent or personnel available to testify in an enforcement action.

§ 1022.6 Joint investigation or inspection.

The Regional Director and appropriate State authority may agree to conduct a joint inspection or investigation of the property, equipment, or records of motor carriers or others, to enforce the pertinent economic laws and regulations. They shall decide the location, time, and objectives of the joint effort, and shall select the persons who will supervise it and make the necessary decisions. Any agent or personnel of either agency having knowledge of the facts shall be made available to testify in an enforcement action.

§ 1022.7 Joint administrative activities.

To facilitate the interchange of information and evidence, and the conduct of the joint effort and any ensuing administrative action, the Regional Director and appropriate State authority shall, when warranted, schedule joint conferences. They shall inform each other of their enforcement capabilities and of any changes in their regulations.

§ 1022.8 Supplemental agreements.

The Commission and State may agree to supplement their agreement to further implement 49 U.S.C. 11502.

PART 1023—STANDARDS FOR REGISTRATION WITH STATES

Sec.

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APPENDIX A TO PART 1023—UNIFORM APPLICATION FOR SINGLE STATE REGISTRATION FOR MOTOR CARRIERS OPERATING UNDER AUTHORITY ISSUED BY THE INTERSTATE COMMERCE COMMISSION

AUTHORITY: 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

SOURCE: 58 FR 28933, May 18, 1993, unless otherwise noted.

§ 1023.1 Definitions.

(a) *The Commission.* The Interstate Commerce Commission.

(b) *Motor carrier and carrier.* A person authorized to engage in the transportation of passengers or property, as a common or contract carrier, in interstate or foreign commerce, under the provisions of 49 U.S.C. 10922, 10923, or 10928.

(c) *Motor vehicle.* A self-propelled or motor driven vehicle operated by a motor carrier in interstate or foreign commerce under authority issued by the Commission.

(d) *Principal place of business.* A single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

(e) *State.* A State of the United States or the District of Columbia.

§ 1023.2 Participation by States.

(a) A State is eligible to participate as a registration State and to receive fee revenue only if, as of January 1, 1991, it charged or collected a fee for a vehicle identification stamp or a number pursuant to the provisions of the predecessor to this part.

(b) An eligible State that intends either to commence or to cease participating in the registration program must publish notice of its intention by the 1st day of July of the year preceding the registration year in which it will commence or cease participating.

§ 1023.3 Selection of registration State.

(a) Each motor carrier required to register and pay filing fees must select a single participating State as its registration State. The carrier must select the State in which it maintains its principal place of business, if such State is a participating State. A carrier that maintains its principal place of business outside of a participating State must select the State in which it will operate the largest number of motor vehicles during the next registration year. In the event a carrier will operate the same largest number of vehicles in more than one State, it must select one of those States.

(b) A carrier may not change its registration State unless it changes its principal place of business or its registration State ceases participating in the program, in which case the carrier must select a registration State for the next registration year under the standards of paragraph (a) of this section.

(c) A carrier must give notice of its selection to the State commission of its selected registration State, and, the State commission of its prior registration State, within 30 days after it has made its selection. If a carrier changes its principal place of business during the annual registration period specified in § 1023.4(b)(2), the carrier may continue to use its prior registration State, if any, for the next registration year.

(d) A carrier must give notice of its selection to its insurer or insurers as soon as practicable after it has made its selection.

§ 1023.4 Requirements for registration.

(a) Except as provided in paragraph (c)(1) of this section with regard to a carrier operating under temporary authority, only a motor carrier holding a certificate or permit issued by the Commission under 49 U.S.C. 10922 or 10923 shall be required to register under these standards.

(b) A motor carrier operating in interstate or foreign commerce in one or more participating States under a certificate or permit issued by the Commission shall be required to register annually with a single registration State, and such registration shall be deemed to satisfy the registration requirements of all participating States.

(1) The registration year will be the calendar year.

(2) A carrier must file its annual registration application between the 1st day of August and the 30th day of November of the year preceding the registration year. A carrier that intends to commence operating during the current registration year may register at any time, but it must do so before it commences operating.

(3) The registration application must be in the form appended to this part and must contain the information and be accompanied by the fees specified in paragraph (c) of this section. There will be no prorating of fees to account for partial year operations.

(4) A carrier that has changed its registration State since its last filing must identify the registration State with which it previously filed.

(c) A motor carrier must file, or cause to be filed, the following with its registration State:

(1) Copies of its certificates and/or permits. A carrier must supplement its filing by submitting copies of any new operating authorities as they are issued. Once a carrier has submitted copies of its authorities, it may thereafter satisfy the filing requirement by certifying that the copies are on file. A carrier may, with the permission of its registration State, submit a summary of its operating authorities in lieu of copies. A carrier granted emergency temporary authority or temporary authority having a duration of 120 days or less is not required to file evidence of such authority, but it must otherwise comply with the requirements of this section;

(2) A copy of its proof of public liability security submitted to and accepted by the Commission under 49 CFR part 1043 or a copy of an order of the Commission approving a public liability

self-insurance application or other public liability security or agreement under the provisions of that part. A carrier must supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted, or caused to be submitted, a copy of its proof or order of the Commission, it may thereafter satisfy the filing requirement by certifying that it has done so and that its security, self-insurance, or agreement remains in effect;

(3) A copy of its designation of an agent or agents for service of process submitted to and accepted by the Commission under 49 CFR part 1044. A carrier must supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted a copy of its designation, it may thereafter satisfy the filing requirement by certifying that its designation is on file; and

(4) A fee for the filing of proof of insurance. In support of such fee, the carrier must submit the following information:

(i) The number of motor vehicles it intends to operate in each participating State during the next registration year;

(ii) The per vehicle fee each pertinent participating State charges, which fee must equal the fee, not to exceed \$10, that such State collected or charged as of November 15, 1991;

(iii) The total fee due each participating State; and

(iv) The total of all fees specified in paragraph (c)(4)(iii) of this section.

(d) Consistent with its obligations under paragraph (c)(2) of this section, a carrier must cause to be timely filed with its registration State copies of any notices of cancellation or of any replacement certificates of insurance, surety bonds, or other security filed with the Commission under 49 CFR part 1043.

(e) A carrier must make such supplemental filings at any time during the registration year as may be necessary to specify additional vehicles and/or States of operation and to pay additional fees.

(f) A motor carrier must submit to its insurer or insurers a copy of the supporting information, including any

supplemental information, filed with its registration State under paragraphs (c)(4) and (e) of this section.

(g) The charging or collection of any fee that is not in accordance with the fee system established above is deemed a burden on interstate commerce. This includes fees for the registration or filing of evidence of insurance whether assessed directly upon the carrier or indirectly upon the insurance provider or other party who seeks reimbursement from the carrier.

(h) To the extent any State registration requirement imposes obligations in excess of those specified in this part, the requirement is an unreasonable burden on transportation within the Commission's jurisdiction under 49 U.S.C. 10521(a).

§ 1023.5 Registration receipts.

(a) On compliance by a motor carrier with the annual or supplemental registration requirements of §1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section.

(1) The receipt must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts need contain only information relating to their underlying supplemental registrations.

(b) Receipts issued pursuant to a filing made during the annual registration period specified in §1023.4(b)(2) must be issued within 30 days. All other receipts must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts shall expire at midnight on the 31st day of December of the registration year for which they were issued.

(c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees.

(d) A motor carrier may make copies of receipts to the extent necessary to comply with the provisions of paragraph (e) of this section. However, it may not alter a receipt or a copy of a receipt.

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(e) A motor carrier must maintain in each of its motor vehicles a copy(ies) of its receipt(s), indicating that it has filed the required proof of insurance and paid the required fees.

(f) The driver of a motor vehicle must present a copy(ies) of a receipt(s) for inspection by any authorized government personnel on reasonable demand.

(g) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by a motor carrier.

[60 FR 39875, Aug. 4, 1995]

EFFECTIVE DATE NOTE: At 60 FR 39875, Aug. 4, 1995, the above §1023.5, was reinstated, effective from August 4, 1995, until December 31, 1996. Also at 60 FR 39875, Aug. 4, 1995, the following §1023.5 which was revised at 60 FR 30012, June 7, 1995, was suspended from August 4, 1995, until January 1, 1997. For the convenience of the reader the text suspended until January 1, 1997 is set forth below.

§ 1023.5 Registration receipts.

(a) On compliance by a motor carrier with the annual or supplemental registration requirements of §1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section. The registration State also must issue a number of official copies of the receipt equal to the number of motor vehicles for which fees have been paid.

(1) The receipt and official copies must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts and official copies need contain only information relating to their underlying supplemental registrations.

(b) Receipts and official copies issued pursuant to a filing made during the annual registration period specified in §1023.4(b)(2) must be issued within 30 days of filing of a fully acceptable registration application. All other receipts and official copies must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts and official copies shall expire at midnight on the 31st day of December of the registration year for which they were issued.

(c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees, as indicated on the receipts and official copies. It may not operate more motor vehicles in a participating State than the number for which it has paid fees.

(d) A motor carrier may not copy or alter a receipt or an official copy of a receipt.

(e) A motor carrier must maintain in each of its motor vehicles an official copy of its receipt indicating that it has filed the required proof of insurance and paid appropriate fees for each State in which it operates.

(f) A motor carrier may transfer its official copies of its receipts from vehicles taken out of service to their replacement vehicles.

(g) The driver of a motor vehicle must present an official copy of a receipt for inspection by any authorized government personnel on reasonable demand.

(h) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by a motor carrier.

[60 FR 30012, June 7, 1995]

§ 1023.6 Registration State accounting.

(a) A participating State must, on or before the last day of each month, allocate and remit to each other participating State the appropriate portion of the fee revenue registrants submitted during the preceding month. Each remittance must be accompanied by a supporting statement identifying registrants and specifying the number of motor vehicles for which each registrant submitted fees. A participating State must submit a report of "no activity" to any other participating State for which it collected no fees during any month.

(b) A participating State must maintain records of fee revenue received from and remitted to each other participating State. Such records must specify the fees received from and remitted to each participating State with respect to each motor carrier registrant. A participating State must retain such records for a minimum of 3 years.

(c) A participating State must keep records pertaining to each of the motor carriers for which it acts as a registration State. The records must, at a minimum, include copies of annual and supplemental registration applications containing the information required by §1023.4(c). A registration State must retain all such records for a minimum of 3 years.

§ 1023.7 Violations unlawful; criminal penalties and civil sanctions.

Any violation of the provisions of these standards is unlawful. Nothing in these standards shall be construed to prevent a State from imposing criminal penalties or civil sanctions upon any person or organization violating any provision of them.

APPENDIX A TO PART 1023—UNIFORM APPLICATION FOR SINGLE STATE REGISTRATION FOR MOTOR CARRIERS OPERATING UNDER AUTHORITY ISSUED BY THE INTERSTATE COMMERCE COMMISSION

Motor Carrier Identification Numbers:

ICC MC No. (s.) _____

US DOT No. _____

Applicant (Identical to name on ICC order):

Name: _____

D/B/A _____

Principal Place of Business Address:¹

Street _____

City _____

State _____

Zip _____

Mailing Address if Different From Business Address Above:

Street _____

City _____

State _____

Zip _____

Type of Registration:

☐ *New Carrier Registration*—The motor carrier has not previously registered.

☐ *Annual Registration*—The motor carrier is renewing its annual registration.

☐ *Supplemental Registration*—The motor carrier is adding additional vehicles or States of travel after its annual registration.

☐ *New Registration State Selection*—The motor carrier has changed its principal place of business or its prior registration State has left the registration program. The prior registration State was _____.

☐ *Additional States not registered* in prior years. List _____

Type of Motor Carrier: (Check one)

☐ Individual ☐ Partnership ☐ Corporation

¹A principal place of business is a single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

If corporation, give State in which incorporated: _____

List names of partners or officers:

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

Type of ICC Registered Authority:

Permanent Certificate or Permit ☐ Temporary Authority (TA) ☐ Emergency Temporary Authority (ETA) ☐

ICC Certificate(s) or Permit(s):

☐ ICC Authority Order(s) attached for initial registration.

☐ ICC Authority Order(s) attached for additional grants received.

☐ No change from prior year registration.

Proof of Public Liability Security:

☐ The applicant is filing, or causing to be filed, a copy of its proof of public liability security submitted to and accepted by the ICC under 49 CFR part 1043.

☐ The applicant has filed, or caused to be filed, a copy of its proof of public liability security submitted to and accepted by the ICC under 49 CFR part 1043, and the security remains in effect.

ICC Approved Self-Insurance or Other Securities:

☐ ICC Insurance order attached for new carrier registration. (Check one when completing for annual registration.)

☐ The ICC Order approving the self-insurance plan or other security is still in full force and effect, and the carrier is in full compliance with all conditions imposed by the ICC Order.

☐ The motor carrier is no longer approved under a self-insurance plan or other security, and the motor carrier will file, or cause to be filed, a copy of proof of public liability security with this application in the registration State.

Hazardous Materials: (Check one)

☐ The applicant *will not* haul hazardous materials in any quantity.

☐ The applicant will haul hazardous materials that require the following limits in accordance with Title 49 CFR 1043.2:

(Check one)

☐ Public Liability and Property Damage Insurance of \$1 million.

☐ Public Liability and Property Damage Insurance of \$5 million.

Process Agents:

☐ ICC Form No. BOC-3 or blanket designation attached for new registration.

☐ ICC Form No. BOC-3 or blanket designation attached reflecting changes of designation of process agents.

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[] No change from prior year registration.

Certification:

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration State.)

Name (Printed) _____

Signature _____

Title _____

Telephone Number _____

Date _____

PARTS 1030-1039—CARRIERS SUBJECT TO PART I, INTERSTATE COMMERCE ACT

PART 1030—FILING OF CONTRACTS BY COMMON CARRIERS

§ 1030.1 Filing of contracts, agreements, or arrangements with other common carriers.

(a) Common carriers subject to part I of the Interstate Commerce Act are hereby relieved from the provisions of section 6 (5) of said act requiring the filing with the Commission of copies of all contracts, agreements, and arrangements with other common carriers, except that common carriers subject to part I of said act shall file with the Commission copies of all such contracts, agreements, and arrangements as shall have been or may hereafter be required to be filed by order, rule or regulation of the Commission, including any requirement contained in any annual or other report form.

(b) The Commission reserves the right to modify this regulation upon appropriate notice, at any time in the future, by enlarging or reducing the specifications contained herein, and this regulation is subject to the further condition that the carrier promptly furnish upon request of the Commission, or any bureau thereof, a copy of any contract, agreement, or arrangement as may be requested by such bureau or Commission.

(Sec. 12, 24 Stat. 383, as amended, sec. 5, 63 Stat. 486; 49 U.S.C. 12, 6)

[32 FR 20023, Dec. 20, 1967]

PART 1033—CAR SERVICE

Sec.

1033.1 Car hire rates.

1033.2 Car service orders.

AUTHORITY: 5 U.S.C. 553; 49 U.S.C. 10321, 10326, 11121, and 11122.

§ 1033.1 Car hire rates.

(a) Definitions applicable to this section:

(1) *Car*. A freight car bearing railroad reporting marks, other than an excluded boxcar as defined in § 1039.14(c)(2) of this chapter whenever it is owned or leased by any class III carrier and bears a class III carrier's reporting marks.

(2) *Car hire*. Compensation to be paid by a user to an owner for use of a car. Such compensation may include, but need not be limited to, hourly and mileage rates.

(3) *Fixed rate car*. Any car placed in service or rebuilt prior to January 1, 1993 or for which there was a written and binding contract to purchase, build, or rebuild prior to July 1, 1992, regardless of whether such car bore railroad reporting marks prior to January 1, 1993, provided, however, that until December 31, 1993, all cars shall be deemed to be fixed rate cars.

(4) *Market rate car*. Any car that is not a fixed rate car.

(5) *Owner*. A rail carrier entitled to receive car hire on cars bearing its reporting marks.

(6) *Prescribed rates*. The hourly and mileage rates in effect on December 31, 1990, as published in Association of American Railroads Circular No. OT-10 found in the information section of tariff ICC RER 6411-U known as the Official Railway Equipment Register. This information can be obtained at the Association of American Railroads or the Commission. Prescribed rates will be enhanced to reflect OT-37 surcharges and Rule 88 rebuilds for work undertaken and completed during 1991 and 1992, and for rebuilding work for which there was a written and binding contract prior to July 1, 1992.

(7) *User*. A rail carrier in possession of a car of which it is not the owner.

(b) *Fixed rate cars*. Car hire for fixed rate cars shall be determined as follows: